

California Environmental Protection Agency (Cal/EPA)

Advisory Committee on Environmental Justice

April 21, 2003

(revised: June 4, 2003)

Sierra Hearing Room, Cal/EPA Headquarters Building
1001 I Street, Sacramento, California

Draft Meeting Summary

Welcome & Introductions

At 10:10 a.m., Diane Takvorian, Co-chair of the Advisory Committee on Environmental Justice (hereafter referred to as the “Committee”), called the meeting to order. Co-chair Takvorian introduced Winston Hickox, Secretary for Environmental Protection, California Environmental Protection Agency (Cal/EPA), who expressed his appreciation for the effort and commitment that the Committee has displayed in drafting their recommendations to Cal/EPA and the Interagency Working Group. Secretary Hickox also made note of the Legislature’s interest in the Committee’s work and offered some words of encouragement to sustain the effort. Co-chair Takvorian acknowledged the support provided Secretary Hickox and Cal/EPA staff, as well as discussions with the Interagency Working Group, composed of the heads of Cal/EPA’s Boards, Departments, and Office (BDO). Similar comments were expressed by Co-chair Detrich Allen, after which the Committee Members and Cal/EPA staff introduced themselves and their affiliations:

Committee Members Present:

Attendees:

- **Allen, Detrich** – City of Los Angeles, Dept. of Environmental Affairs
- **Clark, Henry** – West County Toxics Coalition
- **Greene, Larry** – Yolo Co. Air Pollution Control District (alternate for Barry Wallerstein, South Coast Air Quality Management District)
- **Jones, Bill** – Co. of Los Angeles, Fire Dept./Health Hazardous Materials Division
- **Kennedy, Jim** – Contra Costa Co. Redevelopment Agency
- **Lee, Barbara** – Northern Sonoma County Air Pollution Control
- **Lyons, Joe** – California Environmental Rights Alliance
- **Stone, LeVonne** – Ford Ord Environmental Justice Network
- **Takvorian, Diane** – Environmental Health Coalition
- **Tuck, Cindy** – California Council for Environmental & Economic Balance
- **Welles, Holly** – Pacific Gas & Electric (alternate for Robert Harris)

Committee Members Present Via Conference Call:

- **McClain-Hill, Cynthia**- McClain-Hill Associates
- **Porrás, Carlos** – Communities for a Better Environment
- **Vazquez-Camacho, Eva**- United Farm Workers of America

Co-chair Takvorian noted that the goal of today's meeting would be to reach agreement on the Goals in section V (please refer to pg.15 of the 4/21/03 EJ document strikeout version), as this was intended to be the last meeting to discuss the content of the recommendations document. After the document is revised in consideration of Committee suggestions, a Committee meeting would be held on July 28th, followed by 60-day formal public comment period on the Committee's Draft Recommendations document. After incorporating/addressing the comments received from the public, the revised document would be submitted to Secretary Hickox. In today's meeting, the Committee planned to discuss each of the goals, as well as solicit public comment on the Goals.

Before Cal/EPA staff reviewed the expectations of the day, it was noted that the date of the next meeting had been changed from July 22nd to July 28th. Committee Member Tuck expressed concern that more time was needed to review the changes that had been made (based on comments made at the March meeting); some members of the Drafting Subcommittee received the document on April 17th, and some members of the Committee did not receive it until the Friday before the meeting. Thus, another meeting may be needed to fully discuss the changes to the document.

Expectations for the Day

Assistant Secretary Pascual urged the Committee to try to reach some level of closure on the document, and where possible to vote on those items that the Committee agreed on. Co-chair Takvorian affirmed the importance of finding out what the Committee agreed and disagreed about. A variety of other points were raised before discussing the document and changes made by the Drafting Subcommittee:

- Committee Alternate Greene stated that Committee Member Wallerstein had prepared some comments for consideration, but they had not been able to directly discuss items of priority concern;
- A similar circumstance was noted by Committee Alternate Welles with respect to the concerns of Committee Member Harris;
- Asst. Secretary Pascual reviewed the timeline for completing the document, noting that the Committee may need to reassess the status of the document at the end of this meeting –2-weeks may not be enough time to incorporate public comments so the next meeting may need to be postponed to August;
- The rationale for changing the date of the July meeting in Oakland was discussed (i.e., couldn't find a place to meet), during which Committee Member Clark noted that he would not be able to attend on July 28th;
- Committee Member Lee urged the Committee to try to reach consensus;

- Secretary Hickox assured the Committee that the meetings would be held even if the state budget is not passed;
- Committee Members Carlos Porras, Eva Vasquez-Camacho and Cynthia McClain-Hill joined the meeting by teleconference at 10:32 a.m.; and
- Staff Counsel Monahan reviewed the by-laws of the Committee, noting that reaching consensus was desirable but not required -- it is of value to include alternate viewpoints as well as when no committee members held alternate views. While the by-laws allow for minority views to be expressed in writing, timely preparation of minority views is necessary for their inclusion in the public review document. Committee Member Tuck noted that at a minimum any minority report would need to be ready in time to be included in the final report. Staff Counsel Monahan agreed but also indicated that it would be helpful for minority reports to go out with the draft report for public review.

At the close of this discussion, Co-chair Takvorian introduced Committee Member Lee (Co-Chair of the Drafting Subcommittee), who reviewed the changes made to the document by the Drafting Subcommittee.

Revised EJ Recommendations Document (4/21/03 Version): Goal #1

Committee Discussion of Goal #1 – *Ensure meaningful public participation and promote community capacity building to allow communities to be effective participants in environmental decision-making processes* (please refer to pg. 17 of the 4/21/03 strikeout version).

Committee Member Lee acknowledged the she had received lots of input from other Committee Members, and made minor changes (as noted in the input received) to the material concerning Goal #1 (most notably to the list of warning indicators). A few points of clarification were raised before discussing two items in greater detail:

- Co-chair Allen requested that local governments be included in the list of organizations that could apply for funding and technical assistance;
- Committee Member Clark noted that communities remain concerned that their input does not influence agency decisions; and
- Committee Member Tuck expressed general satisfaction with the suggested changes for Goal #1; however, she did offer a suggestion for the checked item in the list that reads: *Educational, technical, and other assistance (i.e., capacity building) to support meaningful participation in environmental decisions*—Committee Member Tuck suggested adding the phrase “consistent with the concepts in AB 2312” at the end of the bullet – She explained that the protections provided in AB 2312 are important in that they prohibit the use of state funds for litigation, lobbying, and competitive technical assessments. Asst. Secretary Pascual noted that the proposed phrase was too narrow in scope, as there are other state programs not covered by AB 2312, which applies only to Cal/EPA. Committee Member Lee suggested using the phrase “consistent with state law,” which Co-chair Takvorian indicated would require programs to be consistent with future changes in state law.

- Committee Member Tuck suggested that the second sentence of the second paragraph on Page 17, which explains the warning indicators, should be included in the text before the warning indicators in all four goal sections. The Committee agreed to this suggestion.

Committee Discussion: Guidelines & Staff Training

Add public participation responsibilities to job descriptions and include public participation criteria to employee performance reviews.

Committee Alternate Welles raised the point that all jobs may not necessarily have public participation responsibilities, so it may be appropriate to identify a subset of positions that are most important. In contrast, co-chair Takvorian felt that responsibility for public participation needs to be part of everyone's job. Committee Member Jones suggested targeting initial efforts at Cal/EPA management. The Committee agreed that the word "relevant" or "appropriate" would be inserted before the words "job description" at Page 18 of the April 21 draft. In closing this discussion, Secretary Hickox noted that for a culture change to occur, public participation responsibilities need to be part of everyone's job in a government setting. Furthermore, the Committee addressed the issue of what would be required of BDOs that have already initiated efforts or established programs for environmental justice. Co-chairs Allen and Takvorian, and Committee Members Lee and Lyou, agreed that it was not their intent to have BDOs "reinvent the wheel," if they had already begun efforts to establish an environmental justice program. However, it was important for each BDO to clearly address the Goals in the recommendations document, and to make course corrections, as appropriate, to be consistent with achieving the intent of the Goals.

- Co-chair Takvorian announced that wording changes for Goal #1 would be deferred in favor of discussing substantive issues regarding Goal #2.

Revised EJ Recommendations Document (4/21/03 Version): Goal #2

Committee Discussion of Goal #2 – *Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies* (please refer to pg. 19 of the 4/21/03 strikeout version).

Committee Member Lee stated that extensive changes had been made with respect to text concerning Goal #2, including the addition of a new bullet to the list of successful features, and word changes to the list of warning indicators. Committee centered their discussion on the successful features list: *"Programs that have successfully integrated this Environmental Justice goal will meet the following criteria."*

- On the first checked item (*Consider environmental justice issues in developing and revising programs and program elements, including explicit analysis of environmental justice in the staff report for significant actions, or other supporting documentation*) Co-chair Allen questioned the need for an "explicit analysis," as one is not presently done and whether it was the Committee's intent have analyses done in all future cases. Committee Member Lee noted that good programs often include provisions for an environmental justice analysis to

explain how the proposed action(s) consider or redress environmental justice impacts to communities.

- On the added checked item (*Assess the relationship between socio-economic indicators (i.e., race, income, etc.) and the distribution of pollution sources and associated health impacts*) Committee Member Tuck asked why exposure was not a consideration, and suggested adding the phrase “exposure to pollution” after “distribution of pollution sources.” Without this language, the business community would not be supportive of the action item in that estimates of health risks would not be based on what people are exposed to, but rather to the array of sources in the community. In response, Co-chair Takvorian suggested that the words “potential and regular” or “potential and actual” be inserted before “exposure to pollution” to distinguish problems other than those due to accidental releases. In suggesting these additions, it was important that “potential exposures” be considered as many routes of exposure are not yet quantified, so exposure alone should not be basis for gauging potential or actual health impacts. After discussion, the Committee decided to simply insert the word “any” before “associated health impacts” in the new bullet. Committee Member Lee asked if there was another place in the document where the bullet should go – no suggestions were noted.
- A change was suggested in the list of warning indicators section (please refer to pg. 20 of 4/21/03 strikeout version). Committee Member Lyou suggested changing “environmental pollution” to “pollution” in the first bullet, and changing “and/or” to “or”, and adding the word “predominantly” before “Caucasian communities” in the second bullet.

Committee Discussion: Addressing Environmental Justice Gaps (please refer to pg. 20 of the 4/21/03 strikeout version).

Committee Member Lee stated that this subsection under Goal #2 followed from the discussion at the last meeting on the Precautionary Principle and cumulative impacts. In attempting to incorporate the suggestions that the Committee conceptually agreed on, the Drafting Subcommittee prepared the “Addressing Environmental Justice Gaps” subsection. Several Committee Members mentioned that they had not yet discussed the new material with their colleagues and needed more time to review the new text and learn about issues of concern.

- Co-chair Allen expressed a concern about the example used to explain the following bullet: *“The actions or alternatives contemplated have been shown in practice to be feasible and low cost (such as re-routing a truck route to a different but accessible street to avoid a school).”* Committee Member Tuck and Committee Alternate Welles shared the concern expressed by Co-chair Allen, further noting that sample mitigation measures should not be identified, as it borders on Cal/EPA telling businesses how to operate. As alternatives, Co-chair Takvorian suggested that it may be more useful to develop a list of items that the Committee agreed on, and Committee Alternate Welles suggested that the text be integrated into the preceding material on the Precautionary Principle.
- Committee Member Lee explained the purpose for the paragraph and bullets on how the Committee struggled with balancing “needs vs. concerns” in trying to reach consensus on the

issue of precaution. Committee Member Tuck requested the addition of two other bullets that would convey the following needs vs. concerns -- high pollution burdens vs. extreme proposals to respond to such burdens, and the use of less toxic alternatives vs. the business community's need to ensure product performance, safety, and reliability. Committee Member Lee noted that she would try to incorporate those points into the document. Committee Member Jones noted that his overall impression of the paragraph and bullets was positive, as it provides balance, describes the major competing perspectives on the issue of precaution, and are points that need to be considered in developing agency policy. Committee Member Kennedy and Committee Alternate Welles expressed concerns over job loss and economic impacts, which also need to be included in the list of bullets. Committee Member Lee asked if the Committee would consider moving the entire section to the document summary (section III), and several Members supported the suggestion. Committee Member Lyou suggested the following changes to the first (change "fears" to "concerns" and "real" to "well understood") and fourth bullets (change "wider social costs" to "costs to society").

- In returning to the paragraph that begins with "Rather than debate definitions for broad concepts..." (please refer to pg. 21 of the 4/21/03 strikeout version), some Committee Members expressed a concern about the last paragraph on Page 21, which implied that the Committee had achieved consensus in the area of precaution. Committee Member Lee noted that the Committee had not reached consensus on the language yet, but identifying the items that there was consensus on helped to bring committee members closer to agreement. Some Committee Members suggested that this point be clarified. While several Committee Members voiced their support for the change made by Committee Member Lee, the discussion returned to the appropriateness of the example concerning the re-routing of a truck route. The Los Angeles Unified School District's decision to change its pest control practices was offered as an alternative to the truck route re-routing example. Committee Member Tuck asked if such measures would be voluntary or mandatory, and Co-chair Allen asked what was meant by feasible and low-cost? Committee Members Lee and Greene suggested that examples provide context, help people understand what the intent of the statement is, and identify measures that people can apply right away. Co-chair Allen also noted that examples are helpful to people who want to find out more about specific programs and are useful to land-use agencies that often look for specific practices to apply. As consensus could not be reached on what examples should be included in the bullet list, Co-chair Takvorian suggested that the examples be removed from the bullet list for the present time, and the Committee agreed to the suggestion.
- Committee Alternate Welles reiterated a need for a 4th bullet in the list following the paragraph that begins "Rather than ..." that mentions concerns regarding job loss. Committee Member Clark offered that in some cases, communities have chosen "just transition" as an option, worker relocation programs, or in some cases asked the business to leave the community (e.g., Red Star Yeast). Committee Member Lee agreed to capture the discussion regarding concerns with job loss and economic consequences to the community – but not as a general consensus bullet. Co-chair Takvorian raised the point that specific mention of community decision-making is not explicit, to which Committee Member Lee responded that "adequate public process" is a given for all matters that directly affect a

community. Concerning job loss, Committee Member Clark stated that if the community is willing to accept job loss, local governments need to be willing to consider the community's wishes. Before taking public comment, Committee Member Lee noted that the 4th bullet on "risk mitigation" would consider job-loss, but should not be listed in the list of bullets of "outcomes to avoid."

Public Comment Period: Goals #1 & #2 of the Revised (4/21/03) EJ Document

- **Preeti Ghuman (Los Angeles County Sanitation District?):** Concerning the options under Goal #2, Ms. Ghuman supported Option # 2 on Page 23 in the Program Development & Adoption subsection, noting that she supported sound science and risk-based decision. In the Land Use & Zoning subsection, Ms. Ghuman favored Option #2 on Page 29, stating that Cal/EPA should assist, but local governments make the decisions, and Option 1 would pose an undue burden. In closing, Ms. Ghuman asked if local governments had been contacted about this meeting, to which Asst. Secretary Pascual noted that notices had been sent to over 2,700 recipients including local governments.
- **Curt Coleman (California Manufacturers Association):** Mr. Coleman complimented the Committee's work to capture differing points of view in the draft report. Mr. Coleman expressed his preference for both Option #2s, and agreed with Ms. Ghuman concerning the important role played by local government, and the need to ensure their involvement. He also noted that concerns about local authority will increase with the release of documents from state agencies, so keeping them apprised of ongoing developments is essential.
- **Nancy Pfeiffer (Southern California Association of Governments):** Ms. Pfeiffer also expressed a preference for both Option #2s, noting that it is important to allow as much flexibility as possible for local governments.
- **Mike Wang (Western States Petroleum Association):** Mr. Wang expressed a need for more time to review the document, and concerns that the deadline may need to slip some, as environmental justice is a complex issue for which "one size does not fit all." He urged the Committee to continue to strive for balance, and to provide examples that are illustrative (not determinative) and process-oriented.
- **Emma Suarez (Jones & Stokes):** Ms. Suarez expressed concern over the criteria that would trigger a fundamental review of BDO public participation efforts under Goal #1. Specifically, Ms. Suarez recommended that the presence of "2 or more" rather than "1 or more" warning indicators be considered as a red flag for examining the soundness of BDO efforts.

At the end of the public comment period, Co-chair Takvorian announced that the Committee would take a lunch break and reconvene at 12:50 p.m.

Lunch Break

The meeting reconvened at 12:54 p.m. Before commencing with Committee Discussion on the Program Development & Adoption subsection under Goal #2, Co-chair Takvorian distributed an article in Los Angeles Times on safe levels for lead in children.

Revised EJ Recommendations Document (4/21/03 strikeout version) Discussion: *Program Development & Adoption/Program Implementation/Risk Reduction and Pollution Prevention* (please refer to pg. 23 of the 4/21/03 EJ document strikeout version).

Committee Discussion: Program Development & Adoption

- Co-chair Allen asked if the phrase “all stakeholders” could be used instead of “public process” in the opening paragraph, and noted that she was in agreement with the 1st bullet, but felt that the phrase “and other stakeholders” needed to be added after “consult with communities” in the 2nd bullet. The Committee agreed to these changes. Committee Member Lee then discussed the three options in the “1st squiggly box.” As a suggested compromise, Co-chair Takvorian suggested that the Committee consider language that: 1) recommended that Cal/EPA recognize the importance of precautionary approaches; 2) picks up the first two sentences at the top of Page 21; and 3) keeps the Option 2 language. Committee Member Lyou asked if Option #2 would apply to both existing and proposed programs. Co-chair Takvorian stated that any usage other than the “Precautionary Principle” was a compromise for environmental groups and emphasized that the language just discussed was a compromise. A committee vote was not taken on the options in the 1st squiggly box.
- Shortly after the discussion shifted to the content of the 2nd squiggly box (Substitutes for the deleted bullet on “EJ screening tools” and “best management practices”), Cal/EPA Deputy Secretary Nancy Sutley joined the meeting. Committee Member Tuck voiced concern over the use of a “coarse separator”, questioning how it would be used and that the use of an undefined coarse screening tool should not be pursued when a fully developed tool is needed. In response, Committee Member Lee stated that several types of assessment tools are needed, as the use of a fully developed tool is not warranted in all cases (e.g., lead facility in the Bay Area where it was evident that action needed to be taken). In her view, tool development would occur by a public process, and the “coarse separator” would be used to distinguish major problem areas and not be used to identify what action needs to be taken (a 2-tiered approach), which Committee Alternate Greene and Co-chair Takvorian concurred with. Co-chair Allen supported the concept of a coarse separator but had concerns about how the output would be used. Committee Member Lee suggested adding the phrase “and how the prioritized information will be used” after “coarse separator” and eliminate “in some cases” in the second sentence of the bullet. Committee Member Tuck then asked if Cal/EPA would be mandating specific approaches, as the state doesn’t necessarily know the best way to make a product and Cal/EPA’s expertise and role is in setting environmental (e.g. air quality and water quality) standards – not in designing, manufacturing and using products). This prompted questions from Committee Members Lyou and Clark as to whether businesses should be allowed to continue to use substances that are harmful or whether the use of less toxic alternatives should be voluntary, respectively. In response, Committee Member Tuck suggested adding the words “could be used” to the 2nd bullet, and this amendment was

accepted. Committee Member Stone mentioned that oftentimes, pollution problems are greater and not necessarily the same in EJ communities vs. other communities. Moreover, in referencing an article from Monterey Herald on PBDE flame retardants, she urged the Committee to not minimize what has already happened in EJ communities in terms of human health impacts.

Committee Discussion: Program Implementation (please refer to pg. 24 of the 4/21/03 strikeout version).

- Committee Member Lee asked if anyone had concerns about the 1st bullet-*Identify the appropriate roles of Cal/EPA and its BDOs in promoting EJ in permitting and siting decision-* After hearing none, Committee Member Lee opened the discussion on the 2nd bullet (Where Cal/EPA or a BDO has direct authority or decision-making responsibility in permitting and siting actions...pg 25 of 4/21/03 strikeout version). Co-chair Allen asked if the 2nd bullet also applied to OPR, and Staff Counsel Monahan noted that Cal/EPA has no siting authority, but some BDOs have permitting responsibilities. Committee Member Lyou stated that Cal/EPA has a responsibility to provide input on siting issues that have environmental impacts, and suggested that other references to “siting” responsibilities be removed. Committee Member LeVonne Stone noted that siting/permitting problems arise because decisions are made without public input, which needs to be changed. During this discussion, Committee Alternate LaDonna Williams joined the meeting and stated that the discussion to this point was focused too much on business sector concerns, and that the Committee was losing sight of the lack of environmental protection and meaningful public participation.
- Co-chair Takvorian opened the discussion on the 3rd bullet-*Where Cal/EPA advises or oversees local governments that have primary jurisdiction in permitting and siting decisions...*- Committee Member Tuck indicated the she would like more time to get feedback from her constituents. Committee Member Kennedy asked for an example of when Cal/EPA oversees the activities of a local agency, to which Committee Member Stone noted that the Department of Toxic Substances Control has a role in the clean-up of Superfund sites.
- Co-chair Takvorian opened the discussion on the 4th bullet-*Collaborate with OPR to establish general guidelines for other state agencies to use in their permitting and siting decisions to identify and address EJ issues-* Deputy Secretary Sutley stated that Cal/EPA will continue to collaborate with OPR this issue, and Committee Member Lee agreed to add language to indicate that OPR has a statewide coordination role. Committee Member Stone requested that efforts be made to make the information understandable to community groups.
- No comments were noted with respect to the 5th bullet – *Develop and make available to other state agencies tools and information to support EJ considerations in permitting and siting decisions.*
- There was a lengthy discussion of the 6th bullet -*Require the use of the least toxic materials and processes that meet project objectives for all new industrial processes-* Committee

Member Stone asked how the determination of what is “least toxic” would be made? Co-chair Takvorian suggested that that determination could be made by the “Office of Pollution Prevention”, identified under Goal #4. Committee Member Tuck referred to letters from industry groups with concerns requiring the use of specific industrial practices, which restricts industry options. As a follow-up, Committee Member Stone expressed concern over the use of the wording “less toxic” materials or processes because many are still very harmful to human health, and could not support changing the language of the bullet. This concern was reiterated by Committee Alternate Williams, who felt the term “less toxic” was far too unspecified, and preferred a requirement for the use of “non-toxic” options. Co-chair Takvorian noted that the intent of this bullet is to keep requiring processes that lower health risks, and Committee Member Tuck questioned the practical reality of requiring the use of non-toxic materials and processes. Committee Member Jones made the comment that “everything is toxic”, and suggested that the bullet be rephrased with a focus on “minimizing public health and environmental impacts” as there are other impacts to consider besides toxicity alone. Co-chair Takvorian suggested the phrase “little or no impact on health and the environment,” and neither alternative was acceptable to Committee Alternate Williams who felt that they were inadequate replacements for “least toxic.” Committee Alternate Greene felt that Cal/EPA needs to be mindful of this issue and the Committee shouldn’t be overly restrictive in its recommendation as to what business needs to do. Several Committee Members noted that an agreement could not be reached, more discussion was needed, and that minority reports may need to be prepared. Committee Member Lee stated that she understood the points raised by Committee Members Williams, Jones, and Tuck, and would draft some options for the Committee to consider. Recognizing that business doesn’t want to be told what to do and that communities want the least toxic options used, there didn’t appear to be a middle ground, and no consensus was reached.

- Committee Member Lyou noted that he had recommended 2-bullets that weren’t included in the Program Implementation subsection. He went on to explain his rationale for including bullets on health-based siting criteria, and consideration of permit conditions proportionate to cumulative pollution burdens – which would tighten restrictions in areas with high burdens. Committee Member Tuck stated that any requirements for tighter siting criteria need to be based on good science. Committee Member Lee acknowledged the possibility that she did not interpret Committee Member Lyou’s suggestions as intended, and would put the bullets in the Land-use and Zoning subsection.

Committee Discussion: Risk Reduction and Pollution Prevention (please refer to pg. 26 of the 4/21/03 strikeout version)

- In the discussion of the 1st bullet -*Develop tools to assess cumulative impacts, and equitable scientifically based criteria for using these tools to identify EJ problems*- Committee Member Tuck was supportive if the words “peer-reviewed” could be added before “tools.” Committee Member Stone asked what type of tool would be needed to identify EJ problems, and would that mean that no action would be taken until the tool is developed? Committee Alternate Greene and Committee Member Lee indicated that if compelling information is available, tool development should not be barrier to taking action, and those actions that can be taken in the near-term would be identified in section VI. Committee Member Tuck

reiterated her concern that the tools need to be peer-reviewed, and in response, Committee Member Lyou indicated that peer review should not be a barrier to taking action where it is needed. In stating their view that people living in EJ communities have the best knowledge of what kinds of pollution problems communities face, Committee Member Stone and Committee Alternate Williams noted that members of the community should be included in the peer review process as well as have access to the tools. Committee Alternate Williams expressed frustration over being told that there was insufficient or no data to support claims made by community groups, pointing to a need to educate communities about how much data is needed and data quality. Co-chair Allen felt that finding ways to provide technical support to communities was part of community capacity building that was addressed under Goal #1. In closing comments:

- Co-chair Takvorian felt that the tools for cumulative impacts need to be developed to perform analyses on a community- rather than chemical-basis;
 - Committee Member Tuck felt that they need to be based on monitoring data and estimates of exposure; and
 - Committee Alternate Greene indicated that they would allow for problem-solving on multiple fronts.
- The discussion of the 2nd bullet (*Develop criteria and protocols for identifying and addressing EJ gaps in standard risk-assessments, taking into account sensitive populations*) centered on what was meant by the term “sensitive populations” and the need for community-specific data. Committee Member Lyou noted that in the ARB’s Vulnerable Populations Research Program, sensitive populations refer to children, the elderly, and highly exposed communities. Committee Member Tuck suggested that there may be a definition in the Health & Safety Code, and Committee Member Stone asked if EJ communities were included. Concerning the need for community-specific data, Committee Member Jones asked if standard risk assessments consider responses by sensitive populations. Committee Member Lee stated that the typical risk assessment estimates the response of a 170-pound white man that is continuously exposed for a 70-year period, and that research is being done to assess differences in highly exposure communities. Both Committee Member Stone and Committee Alternate Williams recounted difficulties experienced in voicing their concerns when they lacked community-specific data. Committee Member Lee expressed a need to determine if the scope of the risk assessment approach may be causing problems in EJ communities. In closing this discussion, Committee Member Stone asked the words “impacted and affected” before “sensitive populations.”

Next Steps

- Asst. Secretary Pascual indicated that current timetable calls for delivering a report to Cal/EPA in July, and that the Committee might consider extending the completion date to late-September. Committee Member Lee also noted that additional time is needed to incorporate public comments received during the 60-day comment period. Asst. Secretary Pascual suggested that the Committee could meet in June to discuss the draft for release on June 30th, provide a 60-day period for comments, then finalize the document by the end of September. Committee Member Lee asked if the discussion at the June meeting would

include section VI, and some time was needed to review appendices if they will be included in the draft for public release. For the meeting at the end of September, the public comments would be compiled but not incorporated into the document. A wide range of comments were considered prior to deciding what the next steps would be:

- Preeti Ghuman reminded the Committee that public participation was handled poorly for this meeting and to avoid repeating this shortcoming for the next meeting;
- Several Committee Members acknowledged that the effort is taking longer than expected, and may not be completed by the end of the year, considering that there are several sections that have not been discussed and that the appendices had not been reviewed;
- Asst. Secretary Pascual felt that it was critical to determine when the 60-day comment period would begin, so that the reasonable estimates could be made with respect to completing the document;
- Committee Alternate Williams and Committee Member Stone expressed the need to incorporate more community concerns and for a longer public comment period that involves a larger community constituency;
- In attempting to project how much more discussion was needed to finish writing the document, Committee Member Lee estimated that the Committee would need 1-day for section V, 1-day to establish priorities, and 1-day to formulate recommendations;
- Asst. Secretary Pascual suggested that the next meeting be a 2-day meeting in June, followed by another 2-day meeting after the formal public comment period;
- Committee Alternate Greene relayed a suggestion from Committee Member Wallerstein that a consensus document would be most effective insofar as conveying the importance of addressing EJ to Cal/EPA managers -- a document with numerous minority reports suggests that there is no singular approach to addressing EJ issues;
- Committee Member Kennedy felt that it was important to get as much consensus as possible, but lack of absolute consensus is inherent to committee efforts;
- Committee Member Stone noted that communities have already given up a lot, so if consensus means giving up more, then she would not be supportive of reaching total consensus; and
- Asst. Secretary Pascual suggested that the revised document be released at least 2-weeks prior to the date of the meeting.

Meeting Adjourned

The committee agreed to have a 2-day on June 18th and 19th at a location to be determined. Co-chair Takvorian asked Committee Members to hold September 29th and 30th for a 2-day meeting after the public comment period.

The meeting adjourned at 4:20 p.m.